IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE SRI JUSTICE C.V.RAMULU
WRIT PETITION Nos. 18119, 18122,18136,18213,20155, 20166, 21172, 21182, 22179 and 22337 of 2006

WRIT PETITION NO : 18119 of 2006

Between:
Shaik Imtiaz Ahmed, s/o S.A.Bari,
r/o Pandurangapuram, ballepalli Post, Khammam, Khammam District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India, No.2, Haddows Road,
Chennai.
2 The Senior Regional Manager, Food Corporation of India, Regional
Office, Hyderabad.
3 The District Manager, Food Corporation of India, Khammam,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that proceedings issued in No.ESTT 32(2)/MISC/2005-06 DATED 12-7-2006 rejecting the case of the petitioner for appointment on compassionate grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate grounds and pass such order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

WRIT PETITION No. 18122 of 2006

Between:
Ch. Kumari, W/o. Ch. Venkateswarlu,
R/o. Khammam, Khammam District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India,
No. 2, Haddows Road, Chennai.
2 The Senior Regional Manager, Food Corporation of India,
Regional Office, Hyderabad.
3 The District Manager, Food Corporation of India,
Khammam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of Writ of Mandamus declaring that Proceedings issued in No. ESTT 32(2)MISC/2005-06 dated 12-7-2006 rejecting the case of the petitioner for appointment on compassionate Grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that Petitioner is entitled to be considered for appointment on compassionate Grounds and pass such order or order as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

WRIT PETITION NO. 18136 of 2008

Between:
G.Anjamma W/o.late G.Venkateswarlu
R/o.Khammam, Khammam District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India, No.2, Haddows Road,
Chennai.
2 The Senior Regional Manager, Food Corporation of India,
3 The District Manager, Food Corporation of India,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of Writ of Mandamus declaring that Proceedings issued in No. ESTT 32(2)/MISC/2005-06 dated 12.7.2006 rejecting the case of the petitioner for appointment on compassionate Grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate grounds and pass such order or orders.

WRIT PETITION No. 18213 of 2006

Between:
V.N.Saradhi W/o.Ramakotaiah
R/o.Khammam. Khammam District

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of Inda, No.2, Haddows Road,
Chennai
2 The Senior Regional Manager, Food Corporation of India Regional
office, Hyderabad
3 The District manager, Food Corporation of India, Khammam , Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction especially one in the nature of writ of mandamus declaring that proceedings issued in No.ESTT 32(2)/MISC/2005-06 dated 12.7.2006 rejecting the case of the petitioner for appointment on compassionate grounds as is illegal, arbitrary, and discriminatory and violative of Article 14,16,& 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate grounds and pass such other orders.

WRIT PETITION No. 20155 of 2006

Between:
V.Ravi Kumar, s/o late V.Ramaswamy,
r/o 15-2-424, Opp;K.M.C.Rangampet, Warangal, Warangal District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India, No.2, Haddows Road,
Chennai.
2 The Senior Regional Manager, Food Corporation of India, Regional
Office, Hyderabad.
3 The District Manager, Food Corporation of India, Warangal, Warangal
District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that proceedings issued in Lr.No.Estt.39-1/2006-PC dated 3-7-2006 which was communicated to the petitioner on 10-

8-2006 rejecting the case of the petitioner for appointment on compassionate grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate grounds and pass such order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

WRIT PETITION NO : 20166 of 2006

Between:

I. Raju S/o I. Narayana
R/o 11-6-100, Chestan Colony, Warangal, Warangal District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India, No.2, Haddows Road,
Chennai.
2 The Senior Regional Manager, Food Corporation of India, Regional
Office, Hyderabad.
3 The District Manager, Food Corporation of India, Warangal, Warangal
District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that proceedings issued in Lr.No.Estt.39-1/2006-PC dated 3-7-2006 which was communicated to the petitioner on 10-8-2006 rejecting the case of the petitioner for appointment on compassionate Grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate grounds and pass such order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

WRIT PETITION NO : 21172 of 2006

Between:

C. Jagadeshwar S/o. C. Mogili
R/o. 25-7-51, Vishnupuri, Kazipet, Warangal, Warangal District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India,
2 The Senior Regional Manager, Food Corporation of India,
3 The District Manager, Food Corporation of India,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of Mandamus declaring that proceedings issued in Lr.No. Estt.39-1/2006-PC dt. 3-7-2006 which was communicated to the petitioner on 10-8-2006 rejecting the case of the petitioner for appointment on compassionate Grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate Grounds and pass such order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

WRIT PETITION NO : 21182 of 2006

Between:

G.Seetharamulamma W/o.Late G.Krishna
R/o.4-3-58, Kothur Janda village, Warangal, Warangal District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India, No.2, Haddows Road, Chennai.
2 The Senior Regional Manager, Food Corporation of India, Regional Office, Hyderabad.
3 The District Manager, Food Corporation of India, Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that proceedings issued in Lr.No.Estt.39-1/2006-PC dated 2.8.2006 rejecting the case of the petitioner for appointment on compassionate Grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate Grounds and pass such order or orders.

WRIT PETITION No. 22179 of 2006

Between:

D. Ajay, S/o. D. Prabhudas,
R/o. Warangal, Warangal District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India,
No. 2, Haddows Road, Chennai.
2 The Senior Regional Manager, Food Corporation of India,
Regional Office, Hyderabad.
3 The District Manager, Food Corporation of India,
Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction especially one in the nature of Writ of mandamus declaring that Proceedings issued in Lr.No. Estt.39/3/Misc/2004/PC dated 21-7-2006 rejecting the case of the petitioner for appointment on compassionate Grounds as it illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate Grounds and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

And

Writ Petition No. 22337 of 2006
Between:
S.K.Lala Ahmed S/o.late Shaik Mastan Shariff
R/o.H.No.1-1-1459, Venkatadrinagar, Kazipet, Warangal,
Warangal District.

..... PETITIONER

AND

1 The Zonal Manager, Food Corporation of India,
No.2, Haddows Road, Chennai.
2 The senior Regional Manager, Food Corporation of India,
Regional Office, Hyderabad.
3 The District Manager, Food Corporation of India,
Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of Writ of Mandamus declaring that Proceedings issued in Lr.No.Estt.39-1/2006-PC dated 3.7.2006 which was communicated to the petitioner on 10.8.2006 rejecting the case of the petitioner for appointment on compassionate Grounds as is illegal, arbitrary and discriminatory and violative of Article 14, 16 & 21 of the Constitution of India and further declare that petitioner is entitled to be considered for appointment on compassionate Grounds and pass such order or orders.

Counsel for the Petitioners: MR.M.SURENDER RAO

Counsel for the Respondents : MR.B.ANJANEYULU

The Court made the following :

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION Nos. 18119, 18122,18136,18213,20155, 20166, 21172, 21182, 22179 and 22337 of 2006

Common Order:

These writ petitions are filed seeking a Writ of Mandamus declaring the action of the respondents in issuing the impugned Proceedings rejecting the case of the petitioners for compassionate appointment as arbitrary and illegal.

The learned counsel for the petitioners states that the petitioners made applications on different dates seeking to

provide appointment to them on compassionate grounds as per the Scheme available in the organization. However, no decision was taken till 2006 and in 2006, a Committee was constituted and the applications of the petitioners were rejected through the orders impugned in these writ petitions by the said Committee stating that the applications of the petitioners for appointment under D.D.E. quota were deleted from the list since they were more than three years old. He, therefore, states that such rejection by the respondents is arbitrary and illegal.

Since the date of their application, no Committee met for the purpose of considering the cases of the applicants for compassionate appointments in the organization. Simply because, by the time the Committee met, three years period was over, the names of the petitioners could not have been deleted from the list. Of course, the learned counsel for the respondents states that even for various other reasons, the applications of the petitioners were liable to be rejected. But, it is unfortunate that no such reasons were furnished in the impugned orders. The impugned orders speak of only deletion of the names of the petitioners from the list since they are more than three years old - to say that the applications were not considered within three years. The delay in considering the applications of the petitioners within three years cannot be attributed to the petitioners. It is for the management to place such applications for consideration before the Committee when any such committee is met within three years for considering and passing appropriate orders as per law.

For the above reasons, I am of the opinion that the respondents have adopted a pedantic approach in rejecting the applications of the petitioners. Therefore, the impugned orders are liable to be set aside.

Accordingly, the writ petitions are allowed and the

impugned orders are set aside directing the respondents to re-consider the cases of the petitioners for providing compassionate appointment after issuing a notice to the petitioners and pass appropriate orders as per the Scheme, within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the petitioners. No costs.

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C.V. RAMULU,J

DATE: 15th SEPTEMBER, 2008

pnb

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1 The Zonal Manager, Food Corporation of India, No.2, Haddows Road,
Chennai.
2 The Senior Regional Manager, Food Corporation of India, Regional
Office, Hyderabad.
3 The District Manager, Food Corporation of India, Khammam,
Khammam District.
4 The District Manager, Food Corporation of India, Warangal, Warangal
District.
5 Two C.D. copies